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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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DEDRIC LAMONT BROOKS,

§

Petitioner,

§

*versus*

§ CIVIL ACTION NO. 1:16-CV-82

WARDEN DALLAS B. JONES,

§

Respondent.

§

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Dedric Lamont Brooks, a prisoner confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner contends that the Fair Sentencing Act (FSA) of 2010 should be retroactively applied to decrease his mandatory minimum sentence from 10 years to 5

years of imprisonment. However, the FSA does not apply retroactively to defendants whose sentences were modified after the effective date of the FSA, but were originally sentenced before the effective date. *United States v. Kelly*, 716 F.3d 180, 181 (5th Cir. 2013).

## **ORDER**

Accordingly, petitioner's objections (#4) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#3) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 13th day of June, 2016.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE